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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 RODNEY BERNARD BARNO,

12 Petitioner,

13 vs.

14 ROBERT J. HERNANDEZ,

15 Respondent.

CASE NO. 08cv2439 WQH (AJB)

ORDER

16 HAYES, Judge:

17 Pursuant to Petitioner's Notice of Dismissal (Doc. # 55), the case is DISMISSED  
18 without prejudice. The Clerk of the Court shall close the case. Petitioner's Motion for Return  
19 of Lodged Exhibits (Doc. # 49) is GRANTED. The Clerk of the Court shall send Petitioner  
20 a copy of his lodged exhibits.  
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22 DATED: December 10, 2009

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24 **WILLIAM Q. HAYES**  
25 United States District Judge  
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